

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

NICHOLAS D. KASTEN,

Petitioner,

v.

Case No. 06-C-934

**WARDEN, KETTLE MORAINE
CORRECTIONAL INSTITUTION,**

Respondent.

ORDER

Nicholas D. Kasten (“Kasten”), is a prisoner incarcerated pursuant to a state court judgment and has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Currently pending before this court are Kasten’s motions to amend his reply to the answer and to expand the record. These motions were filed on February 1, 2008 and the respondent has not responded to these motions. Therefore, Kasten’s motion to amend his reply is **granted**. (Docket No. 28.)

However, with respect to Kasten’s motion to expand the record so as to include Kasten’s Pre-Sentence Investigation, the court believes a response by the respondent would be of assistance in resolving this motion, which may involve privacy and confidentiality concerns. Therefore, the court orders the respondent to respond to the petitioner’s motion to expand the record, (Docket No. 29), within **21 days** of this order. Kasten shall then have **14 days** from the date the respondent’s response is filed in which to reply.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 29th day of February, 2008.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge